

REMARKS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Final Official Action provided. Applicant also notes that the Examiner has not indicated that the drawings have been approved by the Official Draftsperson on a Form PTO-948. The Examiner is thus requested to indicate that Applicant's drawings are acceptable in the next Official Action.

Applicant acknowledges with appreciation the Examiner's indication of allowable subject matter in claims 3-5, 8-10, and 12-17

Upon entry of the above amendment, claims 1 and 7 will have been amended. Accordingly, claims 1-17 are currently pending. Applicant respectfully requests reconsideration of the outstanding objections and rejections and allowance of claims 1-17 in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

The Examiner has objected to claims 3-5 and 8-10 under 37 C.F.R. § 1.75 as being substantial duplicates of claims 12-17, respectively. However, Applicant points out that claims 12-17 are claims 3-5 and 12-17, respectively, rewritten in independent form *before independent claims 1 and 7 were amended in the previous response*. Since claims 3-5 and 8-10 depend from *amended* claims 1 and 7, respectively, claims 3-5 and 8-10 are substantially different from claims 12-17, respectively. Therefore, contrary to the

Examiner's position, claims 3-5 and 8-10 are not substantial duplicates of claims 12-17, respectively. Moreover, applicants have the right to restate the invention in a reasonable number of ways; and a difference in scope is enough to render claims different enough so as not to be found to be duplicates. See particularly MPEP 706.03(k). Accordingly, Applicant respectfully submits that in view of the herein contained remarks, the basis for such objection is not appropriate and Applicant requests reconsideration and withdrawal of the objection to claims 3-5 and 8-10.

The Examiner has rejected claim 7 under 35 U.S.C. § 102(e) as being anticipated by NAKAO et al. (U.S. Patent No. 6,636,264).

Although Applicant does not necessarily agree with the Examiner's rejection of the claims on this ground, nevertheless, Applicant has amended independent claim 7 to clearly obviate the above noted ground of rejection in order to expedite prosecution of the present application. In this regard, Applicant notes that NAKAO et al. fails to show each and every element recited in the amended claim. In particular, claim 7, as amended, sets forth a recording operation control device including, inter alia, a processor that performs a "recording operation in automatic mode by which said image data is recorded in a recording medium" and "a recording operation stopping processor that stops said recording operation in automatic mode while said recording operation in automatic mode is being executed and before said recording operation in automatic mode is completed, said recording operation

stopping processor being actuated by operating a recording operation stopping switch which is other than said shutter button”. In the present invention, the recording operation is performed in automatic mode. As described on page 9, lines 5-9 of Applicant’s specification, the recording operation control routine is executed in the system controller 31 and is started by turning “ON” the electric power switch of the electronic still camera. Further, as shown in the flowcharts in Figs. 3A and 3B of Applicant’s drawings, when the release switch is turned to the “ON” position, an exposure is initiated and performed, an image signal is read from the CCD, an image is indicated on a monitor, and the image signal is recorded in a recording medium. These operations are automatically performed or, in other words, performed in “automatic mode”.

However, the NAKAO et al. patent discloses the operation of an electronic camera, but does not disclose that a recording operation performed in automatic mode can be stopped during the automatic operation. The NAKAO et al. patent merely discloses that a recording operation may be performed in manual mode and stopped while in manual mode. Therefore, the NAKAO et al. patent does not show a device including a processor that performs a “recording operation in automatic mode by which said image data is recorded in a recording medium” and “a recording operation stopping processor that stops said recording operation in automatic mode while said recording operation in automatic mode is being executed and before said recording operation in automatic mode is completed, said recording operation

stopping processor being actuated by operating a recording operation stopping switch which is other than said shutter button”, as set forth in amended claim 7. Since the reference fails to show each and every element of the claimed device, the rejection of claim 7 under 35 U.S.C. § 102(e) over NAKAO et al. is improper and withdrawal thereof is respectfully requested.

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over NAKAO et al. in view of SUETAKA et al. (U.S. Patent No. 5,032,930).

Although Applicant does not necessarily agree with the Examiner’s rejection of claims 1 and 2 on this ground, nevertheless, Applicant has amended independent claim 1 to clearly obviate the above noted ground of rejection in order to expedite prosecution of the present application. In this regard, Applicant notes that NAKAO et al. and SUETAKA et al. fail to teach or suggest the subject matter claimed in amended claim 1. In particular, claim 1, as amended, sets forth a recording operation control device including, inter alia, a processor that performs a “recording operation in automatic mode by which said image data is recorded in a recording medium” and “a recording operation stopping processor that stops said recording operation in automatic mode while said recording operation in automatic mode is being executed and before said recording operation in automatic mode is completed, said recording operation stopping processor being actuated by depressing said shutter button”. As described above, in the present invention, the recording operation is performed in automatic mode. The

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recording operation control routine is executed in the system controller 31 and is started by turning “ON” the electric power switch of the electronic still camera. Further, when the release switch is turned to the “ON” position, an exposure is initiated and performed, an image signal is read from the CCD, an image is indicated on a monitor, and the image signal is recorded in a recording medium. These operations are automatically performed or, in other words, performed in “automatic mode”.

However, as described above, the NAKAO et al. patent discloses the operation of an electronic camera, but does not teach or suggest that a recording operation performed in automatic mode can be stopped during the automatic operation. The NAKAO et al. patent merely discloses that a recording operation may be performed in manual mode and stopped while in manual mode. Therefore, the NAKAO et al. patent fails to teach or suggest a device including a processor that performs a “recording operation in automatic mode by which said image data is recorded in a recording medium” and “a recording operation stopping processor that stops said recording operation in automatic mode while said recording operation in automatic mode is being executed and before said recording operation in automatic mode is completed, said recording operation stopping processor being actuated by operating a recording operation stopping switch which is other than said shutter button”, as set forth in amended claim 1.

The SUETAKA et al. patent is directed to an electronic still camera in which a shutter button is used when erasing an image recorded in a recording medium. SUETAKA et al. fails to teach or suggest a recording operation control device including a processor that performs an automatic mode recording operation that records image data in a recording medium and a recording operation stopping processor that stops an automatic mode recording operation during execution and before completion of the recording operation. Therefore, the SUETAKA et al. patent fails to cure the deficiencies of the NAKAO et al. device, and even assuming, arguendo, that the teachings of NAKAO et al. and SUETAKA et al. have been properly combined, Applicant's claimed recording operation control device would not have resulted from the combined teachings thereof.

Further, there is nothing in the cited prior art that would lead one of ordinary skill in the art to make the modification suggested by the Examiner in the rejection of claim 1 under 35 U.S.C. § 103(a) over NAKAO et al. in view of SUETAKA et al. Thus, the only reason to combine the teachings of NAKAO et al. and SUETAKA et al. results from a review of Applicant's disclosure and the application of impermissible hindsight. Accordingly, the rejection of claim 1 under 35 U.S.C. § 103(a) over NAKAO et al. in view of SUETAKA et al. is improper for all the above reasons and withdrawal thereof is respectfully requested.

Applicant submits that dependent claims 2, 6, and 11, which are at least patentable due to their dependency from claims 1 and 7 for the reasons noted above, recite additional

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features of the invention and are also separately patentable over the prior art of record based on the additionally recited features.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections, and an early indication of the allowance of claims 1-17.

COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

In response to the Reasons for Allowance, Applicant wishes to clarify the record with respect to the basis for the patentability of claims in the present invention.

In this regard, while Applicant does not disagree with the Examiner's indication that (as noted by the Examiner) "the prior art fails to teach or reasonably suggest stopping the recording operation by depressing the shutter button a plurality of times within a predetermined period"; "the prior art fails to teach or reasonably suggest stopping the recording by stopping an exposure of the imaging device"; "the prior art fails to teach or reasonably suggest stopping the recording by stopping a reading operation of an image signal from the imaging device"; and "the prior art fails to teach or reasonably suggest that the recording operation is stopped by operating both the recording operation stop switch and the shutter button"; Applicant further wishes to make clear that the claims in the present application recite a combination of features, and that patentability of these claims is also based on the totality of the features recited therein, which define over the prior art.

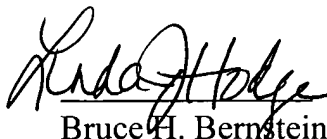
SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the proposed amendment is proper for entry since it merely amends claims 1 and 7 to clarify the language describing the recording operation in automatic mode, and it is also submitted that none of the references of record, considered alone or in any proper combination thereof, anticipate or render obvious Applicant's invention as recited in claims 1, 2, 6, 7, and 11. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, consideration of the present amendment, reconsideration of the outstanding Final Official Action, and allowance of the present amendment and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so.

Respectfully submitted,
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